

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PATRICIA ALLEN, *et al.*,
Plaintiffs,

v.

KNAUF GIPS KG,
Defendant.

)
)
)
)
)
)
)

CIVIL ACTION NO. 09-00593-KD-N

ORDER

This matter is before the Court on a review of the record. As indicated in the Court's prior Order (Doc. 3), pursuant to Local Rule 4.1, Plaintiff is to file notice with the Court of results of service of process efforts within 45 days after the filing of the Complaint. While this action was commenced on September 10, 2009 (Doc. 1), the record does not contain a proposed summons, answer or any responsive pleading. Additionally, Rule 4 of the Federal Rules of Civil Procedure creates a time limit for service of the Complaint and provides, in relevant part:

(m) Time Limit for Service. If a defendant is not served within 120 days after the complaint is filed, the court-on motion or on its own after notice to the plaintiff-must dismiss the action without prejudice against that defendant or order that service be made within a specified time...

Plaintiffs were ordered to show cause by November 10, 2011 as to why they have not effected service upon the defendant and why this case should not be dismissed. (Doc. 3). In response, Plaintiff asserts that it filed a Notice of Related Action with the Judicial Panel on Multi-District Litigation (Doc. 4). Plaintiff is **ORDERED** to, on or before **December 15, 2011**, complete service on the Defendant. Plaintiff is **CAUTIONED** that its failure to do so by said date may result in dismissal of this case without prejudice for failure to prosecute on **December 16, 2011**.

DONE and ORDERED this **16th** day of **November 2011**.

/s/Kristi K. DuBose

KRISTI K. DUBOSE

UNITED STATES DISTRICT JUDGE